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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,236	12/10/2001	Michael L. Palmer	4232.124US1	9952
7590 12/23/2008				
PIPER RUDNICK LLP PATENT PROSECUTION SERVICES 1200 NINETEENTH STREET WASHINGTON, DC 20036-2412			EXAMINER ENGLAND, DAVID E	
			ART UNIT 2443	PAPER NUMBER
			MAIL DATE 12/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/006,236

**Applicant(s)**

PALMER, MICHAEL L.

**Examiner**

DAVID E. ENGLAND

**Art Unit**

2443

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54 - 82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54 - 82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 54 – 82 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 54 – 65, 67, 69 – 80 and 82 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. U.S. Pat. No. 6415307 (hereinafter Jones).
4. Referencing claim 54, as closely interpreted by the Examiner, Jones teaches a method for dynamically updating a content list at an end user location, said method comprising the steps of:
5. receiving a content list from a feed station at a field station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50);
6. transmitting a copy of the content list from the field station to an end user station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50);

7. receiving a revision message from the feed station at the field station, the message comprising at least one revision to the content list, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);
8. implementing the revision message to the content list at the field station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61); and
9. transmitting the revision to the end user station for revision of the content list at the end user station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);
10. wherein the content list comprises a plurality of stories, and an ordered list of stories wherein each story comprises at least text element, metadata, and zero or more references to a media object, (e.g., col. 6, lines 20 – 50);
11. wherein the list of stories determines a sequence in which the stories will be displayed to the user at the end user station, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53); and
12. wherein at least one portion of the content list present prior to implementation of the revision remains in the content list after implementation of the revision, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53, The limitation of “implementation” is broad and there is no specific claim language as to How the message is implemented. Furthermore, the interpretation that is taken is the new list could still have information that was previously stated in the first content list and therefore would still be stated in the “revised list” once it is “implemented”).

13. As per claim 55, as closely interpreted by the Examiner, Jones teaches the revision comprises a change in an order of the stories in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

14. As per claim 56, as closely interpreted by the Examiner, Jones teaches the revision comprises an addition of a new story to the content list, (e.g., col. 2, lines 42 – 67 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

15. As per claim 57, as closely interpreted by the Examiner, Jones teaches the revision comprises a deletion of a story from the content list, (e.g., col. 14, lines 39 – 61, a new search using different keywords could result in a completely different list of content which would not show the previous content list which could be interpreted as deletion of stories on the content list).

16. As per claim 58, as closely interpreted by the Examiner, Jones teaches the revision comprises the addition of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

17. As per claim 59, as closely interpreted by the Examiner, Jones teaches the revision comprises the deletion of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

18. As per claim 60, as closely interpreted by the Examiner, Jones teaches the revision comprises a modification of a text element or a media object associated with a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

19. As per claim 61, as closely interpreted by the Examiner, Jones teaches the content list comprises a reference to media objects and further comprising the steps of resolving the reference to the media object by obtaining the media object from a media and object server, wherein the media object includes one or more versions of associated media objects, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

20. As per claim 62, as closely interpreted by the Examiner, Jones teaches metadata comprises at least one of text, XML markup, and binary information, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

21. As per claim 63, as closely interpreted by the Examiner, Jones teaches the message is received after the content list is transmitted to the end user station information, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation is interpreted as the steps in updating the content list).

22. As per claim 64, as closely interpreted by the Examiner, Jones teaches a plurality of messages are received at the field station and transmitted to the end user station, each of the messages including a revision to the same content list, (e.g., col. 2, line 56 – col. 3, line 41 & col.

6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation can be accomplished by doing a “keywords” search multiple times).

23. As per claim 65, as closely interpreted by the Examiner, Jones teaches the steps of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

24. As per claim 67, as closely interpreted by the Examiner, Jones teaches the step of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

25. Claims 69 – 80 and 82 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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27. Claims 66, 68 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Hanson et al. (6463461) (hereinafter Hanson).

28. As per claim 66, as closely interpreted by the Examiner, Jones not specifically teach the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station. Hanson teaches the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station, (e.g., Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hanson Jones because it would be more efficient for a system to tailor to the specific needs of a group that subscribes to a specific section of the news, for example Sports, and to filter out any unwanted information that the group does not wish to view, for example Business.

29. Claims 68 and 81 are rejected for similar reasons as stated above.

#### ***Response to Arguments***

30. Applicant's arguments filed 12/17/2008 have been fully considered but they are not persuasive.

31. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.



32. Applicant is advised to use claim language that states a type of amending to the list and how the list is amended or how new content is added to the pre-existing list.
33. Applicant is also invited to contact the Examiner to expedite the case in finding claim language that is agreeable for both the Examiner and the Applicant.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
Art Unit 2443

Art Unit: 2443

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